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RE: RESPONSES TO COMMENTS ON THE GUIDELINES FOR DETERMINING SIGNIFICANCE AND REPORT FORMAT AND CONTENT REQUIREMENTS – WILDLAND FIRE AND FIRE PROTECTION

The following are comments received during the public review period for the Guidelines for Determining Significance (Guidelines) and Report Format and Content Requirements (Report Formats) for Wildland Fire and Fire Protection. The Draft Guidelines and Report Formats were circulated for public review from May 15, 2008 to June 16, 2008.

Response to comments received from Jim Hunt, Hunt Research Consultants, dated January 18, 2008.

- A-1 The County acknowledges and appreciates these comments. The commenter raises several broad issues but does not provide specific recommendations for changes, therefore a specific response is not provided. Following discussions with Jeff Murphy, Deputy Director for DPLU, specific comments were provided by Mr. Hunt on April 4, 2008 and June 11, 2008. County responses to those comments commence with E-1 and F-1, respectively.

Response to comments received from Richard Halsey, California Chaparral Institute, dated June 16, 2008:

- B-1 The comment is noted. The County will notify individuals and/or organizations that have provided substantial comments on revisions to the Guidelines for Determining Significance and Report Format & Content Requirements when future updates to these Guidelines are circulated for Public Review. The County of San Diego did provide adequate notification by publishing two public notices in the San Diego Daily Transcript, one on May 15, 2008 and the second on May 29, 2008. In addition, all consultants on the County's approved CEQA Consultant List related to the subject areas were notified and the documents were available for review on the County's website at the CEQA Public Review page. The commenter will be included on notifications for future revisions to these Guidelines.
- B-2 The County acknowledges and appreciates this comment. Prior to future amendments to the Guidelines for Determining Significance and Report Format and Content Requirements for Wildland Fire and Fire Protection, the County will consider expanding

the Wildland Fire and Fire Protection Technical Review Panel to include representatives from one or more independent, academic, public interest scientific and/or conservation organizations.

- B-3 The discussions of fire regimes and the impact of fire on native ecosystems are informational only and do not affect the guidelines provided in Section 4 for determining the significance of potential wildland fire impacts caused by proposed development projects. The County may expand the Wildland Fire and Fire Protection Technical Review Panel to include representatives from one or more independent, academic, public interest scientific and/or conservation organizations.

Section 1.2.2.2 is intended to briefly characterize the fire regimes in County forests and is not intended to make any presumptions. The section has been revised to remove any statements that could be construed as supporting or contradicting any particular data.

- B-4 The sentence, "Chaparral habitats require stand-replacing fires at intervals of at least 20 years (Keeley 2003)" has been deleted from the Guidelines for the same reason as stated in B-5 above. As stated in B-3 above, this portion of the Guidelines is informational only and does not affect the guidelines provided in Section 4 for determining the significance of potential wildland fire impacts caused by proposed development projects.

- B-5 The sentences referenced in this comment have been deleted from the Guidelines for the same reason as stated in B-5. Also, see comment B-3.

- B-6 See comment B-2.

Response to comments received from Dan Silver, Endangered Habitats League, dated June 16, 2008:

- C-1 The County acknowledges and appreciates this comment. Secondary access is a basic requirement under CCR Title 14 and County Fire Code. Where "same practical effect" (SPE) is proposed, the burden of demonstrating SPE rests with the project. If County staff and the local fire authority, in their expert professional opinion, concur that SPE has been adequately demonstrated, then those alternative measures would be deemed adequate to mitigate the issue of secondary access to a level of less than significant.

Also, state and county codes establish thresholds for maximum dead-end length or secondary access requirements for the purposes stated in the comment. Whether evacuation is the "only realistic and reliable means" to provide safety is the subject of debate within the fire community and is site specific. The burden of proving SPE rests with project proponents and must be agreed upon by the fire authority and County.

Lastly, it is the County's intent to ensure all significance guidelines are adequately addressed within the analyses of a Fire Protection Plan and other CEQA documents as required during the review of discretionary projects. If a project cannot demonstrate compliance with secondary access requirements of the County's Building and Fire Code (including the use of SPE) the impact may result in an adverse impact.

C-2 The County acknowledges and appreciates this comment. The purpose of the guidelines is not to delineate portions of the County as unsuitable for residential subdivision, but to provide guidance for the review of proposed discretionary projects and standards which must be met by proposed projects relating to fire. The County acknowledges that due to topographic and geographic constraints, certain development projects may not meet minimum fire code regulations and may have a negative significant environmental impact. Staff feels that the guidelines clearly that failure to comply with code requirements may result in the denial of the development project.

C-3 The County acknowledges and appreciates this comment. County "Guidelines" referencing "travel time" relate to the existing General Plan Public Facilities Element. The comparison of "travel" verses "response" time is a valid distinction; however, the General Plan is currently based on "travel time" and there is no immediate proposal to modify the response time regulations.

In almost all areas, rural or urban, more than one or two calls can result in delayed responses, when measured against travel time or response time. Response time does not change with simultaneous responses. It is measured by time from dispatch to time of arrival, averaged over a prescribed minimum number of responses.

The approval by the Board of Supervisor of the phased regional fire service program on June 25, 2008 will improve response time averages for volunteer stations and potentially make statistical studies feasible. The same phased regional fire service program will staff volunteer stations 24/7. The reference to "remote staffing" is unclear.

C-4 The County acknowledges and appreciates this comment. Meeting the emergency response objectives identified in the Public Facilities Element (PFE) of the General Plan is one of three proposed significance guidelines. Admittedly, and as stated in the last paragraph of Chapter 4 of the proposed guidelines, "Travel time does not include reflex or reaction time, or on-scene size-up and set-up prior to attacking the fire, all of which are critical precursors of actual fire fighting." However, as described in this same paragraph there are objective measures to determine travel time, whereas, response time is a much more subjective measurement. Therefore, the reliance on travel time remains one of the best objective metrics for determining conformance with the PFE objectives. Please also see responses C-3 above.

Response to comments received from Anne Fege, dated June 16, 2008:

D-1 The comment is noted. The County will notify individuals and/or organizations that have provided substantial comments on revisions to the Guidelines for Determining Significance and Report Format & Content Requirements when future updates to these Guidelines are circulated for Public Review. The County of San Diego did provide adequate notification by publishing two public notices in the San Diego Daily Transcript, one on May 15, 2008 and the second on May 29, 2008. In addition, all consultants on the County's approved CEQA Consultant List related to the subject areas were notified and the documents were available for review on the County's website at the CEQA Public Review page. The commenter will be included on notifications for future revisions to these Guidelines.

D-2 The County acknowledges and appreciates this comment. The general discussion referenced gives an overview of three factors: *weather*, *fuel* and *topography*. The *fuel* portion is further divided into *shrublands* and *forests*, both of which are important in understanding San Diego County's fire issues. Additional information on shrublands can be found in the Guidelines for Determining Significance and Report Format & Content Requirements for Biology.

D-3 The County agrees with the comments and the recommended changes have been incorporated into the text. Also, the County agrees in the value of access/evacuation in life safety, and in ignition resistance of structures in property protection. The concepts, however, are not mutually exclusive. If people, including fire fighters, are trapped, an ignition-resistant structure can provide some protection as the fire front passes. Similarly, the primary and secondary accesses give fire responders greater flexibility in attacking the fire, moving resources, as well as for fire fighter safety.

The County's responsibility is to exercise care to insure that primary and secondary access, ignition-resistant construction standards, and appropriate vegetation management are all part of a "system" to minimize the potential for people being trapped.

D-4 The County acknowledges and appreciates this comment. Modification of this particular area was not part of the update under public review, however, *vegetation type and density* is a bullet point in §1.1.3 "Environmental Setting".

D-5 The County acknowledges and appreciates this comment. The County accepts fuel modeling in either the 13 category or 40 category fuel descriptions. It is incumbent on the FPP preparer to accurately represent the fuel under either system. An accurate work product is a basic requirement of the Guidelines, and does not need to be restated here specifically with regard to fuels.

D-6 The County acknowledges and appreciates this comment. The County agrees with disadvantages to excessive fuel modification. It is the responsibility of the FPP consultant to present accurate information and appropriate recommendations to reduce the potential for excessive or inadequate fuel modification. Definition of "adequate defensible space" is a matter of considerable interpretation among very knowledgeable fire behavior experts, and no cookie-cutter approach is supported by the County.

Further, the County typically does not specify landscaping beyond fifty feet from structure, per County Fire Code §4704.2. Thinning of native vegetation and removal of dead and dying material is mandated for the second zone beyond fifty feet. Thus, existing codes are consistent with the comment.

Lastly, additional information on vegetation protection can be found in the Guidelines for Determining Significance and Report Format & Content Requirements for Biology. It is critical that the fire consultant and biological consultant discuss project issues and regulatory requirements collectively to ensure adequate protection is provided to not only to people, but habitat as well.

- D-7 The County acknowledges and appreciates this comment. If and when water restrictions mandate curtailing landscaping irrigation, dead and dying vegetation will have to be removed under existing fire code requirements. This will apply to all properties, whether within development projects that are subject to a Fire Protection Plan, or not.

Response to comments received from Jim Hunt, Hunt Research Consultants, dated April 8, 2008.

- E-1 The County acknowledges and appreciates this comment. Revision of the outline for Fire Protection Plans may be appropriate as an on-going effort as the "Guidelines" are revised periodically. Revision should be reviewed by the Technical Review Committee, and the County supports such an effort with the next revision cycle.

The County has considered the proposal to expand the definition of a Fire Protection Plan (FPP) to include all types of occupancies however because the primary purpose of the FPP is to address wildland fire hazards pursuant to Appendix G of the State CEQA Guidelines, the FPP will not be expanded to include all types of building occupancies as suggested in the comment. The Building and Fire Codes both make provisions for the code authority to require a Technical Report, prepared by an expert in the subject area that addresses complex code issues and proposes solutions to identified problems. The concept of the FPP as stated in Chapter 47 of the California Fire Code is a specialized Technical Report that focuses on elements related to wildfire.

When a project warrants a Technical Report and is located in a wildland area, the FPP and Technical Report must be coordinated. Language in Section 4.0 of the Guidelines (page 19) identifies the need for such coordination. The project description included in the FPP would identify concerns that could necessitate a Technical Report (such as some industrial, commercial, major public assemblies which can challenge fire resources). Alternatively, in less complex situations, additional mitigation in the FPP could be adequate. Additional Guidelines unrelated to wildfire are not within the scope of the FPP.

Staff understands that major fires in industrial, commercial, and major public assemblies do challenge fire resources, and it is appropriate that they be addressed in the scope of a Technical Report if determined necessary by the fire code authority and/or Building Official.

In comparison to residential development projects, the County does not process many commercial and/or industrial projects that would require a Technical Report. As such, we do not see an immediate need to develop separate guidelines for Technical Reports. However, the County will consider developing such guidelines in the future as there becomes more need.

- E-2 The County acknowledges and appreciates this comment. The comment provides useful clarification to the Report Formats. Section 4.1 (page 8) of the text was revised to add "First alarm response to wildland fire and to structure fire" as an item to be discussed in the emergency services section of the FPP. Regarding the commenter's remaining suggestions to the section entitled "Adequate Emergency Services," the need

for more specialized response or additional resources would be addressed in a Technical Report that would accompany occupancies requiring more detailed analysis. See comment to E-1.

- E-3 The County acknowledges and appreciates this comment. Additional widths for aerial ladder operations, and similar project-specific requirements would fall within the scope of a Technical Report and/or fire agency conditions. See comment E-1. Main (primary) and secondary access is included in §4.2 "Fire Access".
- E-4 The County acknowledges and appreciates this comment. The standard fireflow required by County Fire Code in wildland residential areas is 2500 GPM. "Needed fireflow" relates to projects with commercial or industrial occupancies, large multi-family residential or similar components. Here, a Technical Report, coordinated with the FPP, would identify such needs, and further specify hydrant spacing, main and lateral sizes, and other factors that would exceed the standard. See comment E-1. For more typical residential projects, specific hydrant locations may be proposed by the FPP consultant, or may be specified by the fire authority having jurisdiction.

Further, building construction in wildland areas is specified in the State and County Building Codes, and is updated periodically. The request that only exceptions be listed in the FPP is to reduce confusion for the reader where the FPP recommends a construction feature no longer permitted when the subsequent owner applies for a Building Permit. Listing only exceptions allows the FPP to focus on those elements where the FPP consultant believes additional features are appropriate. A litany of today's code requirements will not assist an owner in building plan preparation five years from now, and in fact may cause additional plan changes.

Lastly, fire sprinkler requirements are an important aspect of the building safety package. A bullet has been added to Section 4.4 (page 9) to remind the FPP preparer to specify fire sprinkler requirements. Also, Section 4.4 (page 9) asks that the code not simply be repeated, but that deviations be identified. This is the place where such recommendations are to be shown. The following was added: *"Justification must be provided for alternatives to code requirements. Recommendations for exceeding minimum code requirements is a primary purpose of the FPP consultant's role in the process."*

- E-5 The County acknowledges and appreciates this comment. A fundamental concept agreed upon by the Technical Review Panel was to develop reports that did not simply "restate code requirements." It is the responsibility of the FPP consultant to educate their clients on the requirements for fire protection and ensure that the site plans incorporate code mandates. The purpose of the FPP is to describe how a particular project complies with those fire codes. Considering that the FPP is developed by a fire consultant and reviewed by fire code specialists, the importance of repeating minimum code requirements in the document is unnecessary.

Further, it is anticipated and expected that the consultant and fire code specialist review site and occupancy risks as part of the FPP. If it is determined that additional requirements are needed to achieve "same practical effect," those additional requirements should be detailed in the FPP.

The concept of Fire Department Connection is discussed in Section 5.1 and the requirements for "Shelter-in-Place" are discussed in Section 5.6. If the SIP is proposed, the FPP Report must include discussions on Fire Access, Water, Construction, Systems, and Defensible Space/Vegetation Management. It also must be justified in the Executive Summary and Conclusion areas in a manner that meets "Same Practical Effect" requirements of Title 14, and/or CFC Appendix Chapter 1.

- E-6 The County acknowledges and appreciates this comment. The FPP report is not intended to summarize current landscape regulations, but to describe the proposed development project and how it complies with those regulations. See comment E-5.
- E-7 The County acknowledges and appreciates this comment. Please see comment E-1.
- E-8 The County acknowledges and appreciates this comment and concurs with your statements. It is our belief that the guidelines and report format requirements accomplish the objectives and details suggested in your letter.

Response to comments received from Jim Hunt, Hunt Research Consultants, dated June 11, 2008.

- F-1 The County acknowledges and appreciates this comment, but was unable to locate the referenced "Section 3 page 20 Technical Report." Please see comment E-1.
- F-2 The County acknowledges and appreciates this comment. Section 5.1.1.2 relates to mitigation of General Plan non-conformance, specifically travel time, and concentrates on ways to improve emergency response. The last bullet includes "...or *intensified fire protection offering same practical effect*", which the County believes offers the opportunity to propose mitigation such as the comment suggests. As such, no change was made.
- F-3 The County acknowledges and appreciates this comment. Regarding the suggestion to include "*residential, commercial and industrial occupancies*," codes currently require secondary access when thresholds are exceeded, regardless of the occupancy. Listing several may lead one to believe others are excluded. As such, no change was made.

Regarding Shelter in Place (SIP), SIP is a design strategy that may be considered "same practical effect" when projects exceed maximum dead-end road lengths. In order to achieve same practical effect the SIP must incorporate features that often exceed the standards established for other regulations such as emergency response, water supply and availability, construction and defensible space and vegetation management. Because this is a design strategy that involves all of the Standard Mitigation and Project Design Considerations (Chapter 5 of the Guidelines), the requirements for SIP have been moved into a separate section: Section 5.6.

As currently stated in the requirements for SIP, all structures within the development project must comply with the County codes related to ignition resistive construction. Section 5.4 of the guidelines set forth the applied standards for ignition resistive building construction and fire protection services and already references the county revised Fire

Code. As such, specifying requirements for construction methods for exterior wildfire exposure in the SIP section as suggested by the commenter is not necessary.

- F-4 The County acknowledges and appreciates this comment. The current County Fire Code requires 50,000 pound load capacity as the standard. It would be the FPP preparer's task to identify the additional need and make appropriate recommendations if the standard needed to be increased. Also, commercial and industrial projects may require a Technical Report to address related code requirements --- see comment E-1.
- F-5 The County acknowledges and appreciates this comment. The change was made to drop "enhanced" from the section title.
- F-6 The County acknowledges and appreciates this comment. The County acknowledges and appreciates this comment. The County list of approved and prohibited plants is not within the scope of this update, but we welcome the commenter's offer to assist in revising that document, which will be done in the near future.
- F-7 The County acknowledges and appreciates this comment. Table of Content reference is to input to the BEHAVE model, and was compiled for the version identified. Updating to the latest version is unnecessary, as the inputs remain unchanged.
- F-8 The County acknowledges and appreciates this comment. The change was made to drop "Article 86" from the section.
- F-9 The County acknowledges and appreciates this comment. Mandatory language is required to avoid the potential misunderstanding between recommendations and project requirements. Because the document will be read at a later date by some not involved in the approval process, and because readers might not be aware that after approval, recommendations become mandatory, the process is better served by avoiding confusing terms.
- F-10 The County acknowledges and appreciates this comment. A change has been made to clarify the point.
- F-11 The County acknowledges and appreciates this comment. Language was modified to clarify the point. Please note however that it was the County's intent to provide a form (Letter Report) that did not require a consultants review and input.
- F-12 The County acknowledges and appreciates this comment. While a single engine might be limited to 1000 GPM by pump constraints, it is possible that an engine of greater capacity would be operating. Infrastructure should be designed to accommodate the possibility.
- F-13 The County acknowledges and appreciates this comment. Once the fire consultant submits an FPP, the County fire code specialists will review the document to ensure compliance with applicable codes. Once County staff has determined that the document addresses all relevant fire related issues and environmental impacts related to fire and wildfire, the County will 'accept' the document and include it in the environmental analysis (Negative Declaration or EIR).